

By Mr. SCOTT: Petition of the Southern Branch of the National Military Home, for enactment of commutation law for members of such homes—to the Committee on Military Affairs.

By Mr. TIRRELL: Petition of citizens of South Lancaster, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Molly Pitcher Council, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Danforth Chemical Company et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of J. H. Johnson et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of Onward Council, No. 19, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Job Scott, of Montana, N. J., for anticom-pulsory pilotage bill (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. B. & W. A. C. Earl, for modification of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tietjen & Lang Dry Dock Company, against compulsory pilotage and for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Watch Company, for bill H. R. 14604, relative to spuriously stamped articles of merchandise—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Volney G. Bennett Lumber Company, of Camden, N. J., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEBB: Paper to accompany bill for relief of Mrs. Florence Tilton—to the Committee on Pensions.

By Mr. WELBORN: Petition of citizens of Sedalia, Mo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOOD of New Jersey: Petition of Coe's Wrench Company and the Weller Manufacturing Company, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Sorosis Club of Washington, D. C., of the National Council of Women, favoring bill H. R. 4462 (the child-labor bill)—to the Committee on the District of Columbia.

Also, petition of H. S. Case, of Trenton, N. J., for bill H. R. 15442—to the Committee on Private Land Claims.

SENATE.

WEDNESDAY, April 11, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TWO HUNDREDTH ANNIVERSARY OF BIRTH OF BENJAMIN FRANKLIN.

The VICE-PRESIDENT. Pursuant to the concurrent resolution of Congress accepting the invitation of the American Philo-sophical Society, of Philadelphia, Pa., to attend the two hun-dredth anniversary of the birth of Benjamin Franklin, the Chair appoints Mr. LODGE, Mr. KEAN, Mr. BURKETT, Mr. SUTHERLAND, Mr. FOSTER, and Mr. LATIMER as the committee on the part of the Senate.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting a letter from the Auditor for the Treasury Department relative to use-less documents, papers, etc., on the files of the Treasury Depart-ment, and requesting that certain telegrams referred to in the letter from the Auditor be included with the schedules hereto-fore transmitted to Congress; which was read.

The VICE-PRESIDENT. The Chair appoints as members on the part of the Senate of the Joint Select Committee on the Dis-position of Useless Papers in the Executive Departments the Senator from Alabama, Mr. PETTUS, and the Senator from New Hampshire, Mr. GALLINGER. Without objection, the communi-cation and accompanying papers will be printed and referred to the joint select committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12843) to amend the seventh section of the act entitled "An act to estab-lish circuit courts of appeals and to define and regulate in cer-tain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 535. An act to amend and reenact section 1 of chapter 27 of volume 27 of the United States Statutes at Large, being "An act to provide for a term of the United States circuit and district courts at Evanston, Wyo.," approved May 23, 1892;

H. R. 20. An act to change and fix the time for holding the cir-cuit and district courts of the United States for the middle dis-trict of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes;

H. R. 4461. An act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said Dis-trict, and for other purposes;

H. R. 8717. An act for the relief of Jacob Pickens;

H. R. 11129. An act granting an increase of pension to Thomas J. Lindsey;

H. R. 11536. An act granting an increase of pension to James D. Hudson; and

H. R. 15328. An act to approve certain final proofs in the Chamberlain land district, South Dakota.

PETITIONS AND MEMORIALS.

Mr. MARTIN presented petitions of Weems Council, No. 100, of Weems; of Ideal Council, No. 71, of Norfolk; of Grove Coun-cil, No. 40, of Howards Grove; of May Council, No. 31, of Rich-mond; of Peninsula Council, No. 125, of Hampton; of Fairmont Council, No. 70, of Fairmont; of Hallwood Council, No. 150, of Hallwood; of Washington Memorial Council, No. 2, of Norfolk; of Massanutten Council, No. 68, of Toms Brook, and of Enter-prise Council, No. 9, of Richmond, all of the Junior Order of United American Mechanics, in the State of Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. MORGAN. I present a resolution of the legislature of the State of Illinois, passed May 5, 1903, which I ask to have read and that it lie on the table.

There being no objection, the Secretary read as follows:

Whereas more than 300 American citizens now residents of the Isle of Pines, said American citizens owning more than one-half of the total territory of said island, have memorialized Congress for relief from the present government of the said Isle of Pines, and are praying that the islands be retained by the Government as a part of the territory of the United States; and

Whereas the United States Government continued the present govern-ment of the said Isle of Pines as a de facto government to formulate a new and better government for the island until the island of Cuba was turned over to the Cuban Government; and

Whereas the Isle of Pines was ceded to the United States Govern-ment by Spain, and the Platt amendment omitted the said Isle of Pines from the proposed constitutional boundaries of Cuba, and the Secretary of War for the United States has placed the Isle of Pines within the constitutional boundaries of Cuba contrary to the wishes of the Ameri-cans there resident; and

Whereas the said 300 American citizens are colonists from the United States, who have built permanent homes and made other improvements on said Isle of Pines in the reasonable belief that it was to continue to be territory of the United States, and such American citizens are en-titled to the protection of the United States Government and desire to live under the flag of this country: Therefore, be it

Resolved by the senate of the forty-third general assembly (the house concurring herein), That it is the sense of the general assembly of the State of Illinois that the said Isle of Pines be permanently retained as territory of the United States.

Resolved further, That the secretary of the senate and the clerk of the house be, and they are hereby, instructed to forward to the United States Senators and Congressmen from Illinois a copy of these resolu-tions.

Adopted by the senate May 5, 1903.

Concurred in by the house May 7, 1903.

Mr. MORGAN. I move that the resolution be printed as a document, and that it lie on the table.

The motion was agreed to.

Mr. KITTREDGE presented a petition of Camp Rahskopf of the National Society of the Philippines, of Aberdeen, S. Dak., praying for the enactment of legislation providing special medals to all officers and enlisted men who served beyond their legal enlistment for the war with Spain; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the East End Woman's Christian Temperance Union, of Pittsburg, Pa., praying for the

enactment of legislation to prohibit the sale of intoxicating liquors in the Territories of the United States; which was ordered to lie on the table.

He also presented a memorial of the congregation of Christ's Evangelical Lutheran Church, of Milton, Pa., remonstrating against the enactment of legislation providing for an extension of time in the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented a petition of sundry citizens of Wheatland, Wyo., praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 5151) for the adjudication of the claim of Henry A. V. Post by the Court of Claims, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was recommended on February 27, 1906, the bill (S. 1604) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States, reported it without amendment, and submitted a report thereon.

ALLOTMENTS TO NATIVES OF ALASKA.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5537) authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska, to report it favorably with amendments, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Public Lands were, in line 11, to strike out the word "forever;" in the same line, after the word "nontaxable," to insert "until otherwise provided by Congress;" and in line 13, after the word "right," to strike out the words "over any other claimant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered, in his discretion and under such rules as he may prescribe, to allot not to exceed 160 acres of nonmineral land in the district of Alaska to any Indian or Eskimo of full or mixed blood who resides in and is a native of said district, and who is the head of a family, or is 21 years of age; and the land so allotted shall be deemed the homestead of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable until otherwise provided by Congress. Any person qualified for an allotment as aforesaid shall have the preference right to secure by allotment the nonmineral land occupied by him not exceeding 160 acres.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN JOHNSON COUNTY, WYO.

Mr. CLARK of Wyoming. From the Committee on Public Lands I report back favorably, without amendment, the bill (H. R. 16521) directing the Secretary of the Interior to sell and convey a certain parcel of land to Johnson County, Wyo., and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. There is an obvious mistake in the bill. It says "north of" in describing. The word "of" should be stricken out.

Mr. CLARK of Wyoming. I did not notice it in the reading of the bill.

Mr. HEYBURN. It is merely a mistake in the construction of the bill.

Mr. CLARK of Wyoming. Will the Secretary please read the description?

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as requested, the entire bill being as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to sell and convey to the county of Johnson, in the State of Wyoming, for a poor farm, the following-described tract of land, to wit: The northeast quarter of the northwest quarter and the north half of the northeast quarter of section 8, and the northwest quarter of the northwest quarter of section 9, in township 50 north of range 82 west, upon the payment by the said county of the sum of \$1.25 per acre for the said lands.

Mr. HEYBURN. It says "north of." The word "of" should come out.

Mr. CLARK of Wyoming. Is not that correct?

Mr. HEYBURN. No; it is not correct.

Mr. CLARK of Wyoming. There is a comma after the word "north," is there not?

Mr. HEYBURN. No; the ranges run the other way.

Mr. CLARK of Wyoming. I ask leave to insert a comma after the word "north," in line 9; so as to read "in township 50 north, of range 82 west."

The VICE-PRESIDENT. That correction will be made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION AS TO SPONGES.

Mr. BACON. From the Committee on Foreign Relations I report back with an amendment, in the nature of a substitute, the bill (S. 4806) to prohibit the use of diving apparatus in the taking of sponges, and I submit a report thereon. I ask for the present consideration of the same.

The Secretary read the amendment of the Committee on Foreign Relations, which was to strike out all after the enacting clause and insert:

That from and after the passage of this act it shall be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or Straits of Florida: *Provided*, That sponges taken or gathered by such process between October 1 and May 1 of each year in a greater depth of water than 50 feet shall not be subject to the provisions of this act.

SEC. 2. That every person guilty of a violation of this act shall for each offense be liable to a fine of not less than \$100 or more than \$500, which fine shall be a lien against the vessel on which the offense was committed. And every vessel used or employed in violation of this act shall be liable to a fine of not less than \$100 or more than \$500 or forfeiture, and shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

SEC. 3. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offense was committed.

SEC. 4. That it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act, and upon his request the Secretary of the Treasury and the Secretary of the Navy may employ the vessels of the Revenue-Cutter Service and of the Navy, respectively, to that end.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill to regulate the landing, delivery, cure, and sale of sponges."

LANDS IN MONTANA.

Mr. CARTER. From the Committee on Public Lands I report back with an amendment the bill (H. R. 17135) providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, on page 3, after line 6, to insert:

SEC. 2. That subject to rules and regulations to be prescribed by the Secretary of the Interior, the owner in fee simple or a claimant under any general or special law of the United States, of any land included within the limits of the Red Rock Lakes reservoir site, in the State of Montana, as the said reservoir is now or may hereafter be approved by the Secretary of the Interior, the lands described in the preceding section being a part of said reservoir site, may at the option of the owner or claimant relinquish or convey such land included in said reservoir site to the United States and personally select in lieu thereof an equal area of the nontimbered public lands of the United States subject to homestead entry and situated in the State of Montana, and such owner or claimant shall be placed in the same relation as to the United States to the title, possession, and right of possession of the lieu land thus selected as such owner or claimant sustained to the land relinquished at the time the relinquishment was made.

Change section 2 to section 3.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. KITTREDGE introduced a bill (S. 5031) granting an increase of pension to Isaac M. Howard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 5632) for the relief of Samuel S. Weaver; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5633) granting a pension to Joseph Hastings;

A bill (S. 5634) granting a pension to Harvey P. Hastings; and

A bill (S. 5635) granting an increase of pension to John Sheridan (with accompanying papers).

Mr. PENROSE (by request) introduced a bill (S. 5636) providing for the adjudication of the claim of the Philadelphia and Reading Coal and Iron Company by the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5637) granting an increase of pension to Margaret Himmel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5638) to regulate the sale of fuel to commissioned officers on the active list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 5639) to provide for the erection of a public building at San Juan, P. R.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McCUMBER introduced a bill (S. 5640) granting an increase of pension to Clinton B. Wintersteen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5641) granting an increase of pension to John W. Fletcher; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 5642) for the relief of the heirs of the late Richard Terrell; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 5643) granting a pension to Nelly Peck Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 5644) granting an increase of pension to Thomas D. Adams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5645) for the relief of the estate of Jacob Cook, deceased;

A bill (S. 5646) for the relief of Luther H. Potterfield; and

A bill (S. 5647) for the relief of Mary E. Macgregor (with an accompanying paper).

Mr. BULKELEY introduced a bill (S. 5648) to amend section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5649) for the relief of the heirs of William M. West, deceased;

A bill (S. 5650) for the relief of the estate of John Holleman, deceased;

A bill (S. 5651) for the relief of the estate of John Jones, deceased;

A bill (S. 5652) for the relief of the heirs of Mrs. D. J. Booth, deceased;

A bill (S. 5653) for the relief of Shadrach H. Wren;

A bill (S. 5654) for the relief of the estate of William McCreight, deceased;

A bill (S. 5655) for the relief of the estate of Nathan P. English, deceased;

A bill (S. 5656) for the relief of the heirs of Alfred Mullins, deceased (with an accompanying paper); and

A bill (S. 5657) for the relief of Lee Robbins (with an accompanying paper).

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5658) granting an increase of pension to Nancy Pruit; and

A bill (S. 5659) granting an increase of pension to William I. Brewer.

Mr. PILES introduced a bill (S. 5660) for the relief of Capt. William N. Hughes; which was read twice by its title, and,

with the accompanying paper, referred to the Committee on Claims.

Mr. CULBERSON introduced a bill (S. 5661) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5662) for the relief of Matthew McDaniel; and

A bill (by request) (S. 5663) for the relief of the estate of Solomon Landis, deceased (with an accompanying paper).

Mr. NEWLANDS introduced a bill (S. 5664) to authorize the United States Government to participate in the international exposition to be held at Milan, Italy, during the year 1906, and to appropriate money in aid thereof; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. PERKINS submitted an amendment proposing to increase the appropriation for the transmission of mail by pneumatic tubes or other similar devices to \$1,201,265.84, so as to include San Francisco among the cities where such service shall be used, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table and be printed.

REGULATION OF RAILROAD RATES.

Mr. HEYBURN. I submit an amendment to the rate bill and ask that it be read.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The Secretary read as follows:

Amend section 9 of said act by striking out therefrom the following words: "but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt;" so that the section will read as follows:

"Sec. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the Commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding."

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

APPALACHIAN AND WHITE MOUNTAINS FOREST RESERVES.

Mr. BRANDEGEE. On March 9 I reported from the Committee on Forest Reservations and the Protection of Game the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Forest Reserve" and the "White Mountain Forest Reserve," respectively. I now submit a written report to accompany the bill, and ask that 2,500 additional copies of the report, with accompanying map, be printed for the use of the Senate.

There being no objection, the order was agreed to, as follows:

Ordered, That 2,500 additional copies of Report No. 2537, to accompany the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Forest Reserve" and the "White Mountain Forest Reserve," respectively, with the accompanying map, be printed for the use of the Senate.

Mr. BRANDEGEE. As to the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Forest Reserve" and the "White Mountain Forest Reserve," respectively, there is such a widespread interest in its provisions that the printed number of copies has become exhausted. I ask that 1,000 additional copies of the bill be printed.

There being no objection, the order was agreed to, as follows:

Ordered, That 1,000 additional copies of the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Forest

Reserve" and the "White Mountain Forest Reserve," respectively, be printed for the use of the Senate.

COAL ON PUBLIC LANDS.

Mr. NEWLANDS. On the 29th ultimo I introduced a bill (S. 5441) authorizing the President to reserve coal and lignite underlying public lands for future disposal, and asked that it lie on the table subject to my call. I now move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 9324) to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, on page 5, to add a new section, as follows:

SEC. 6. That any bridge built under this act and subject to its limits shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile for the transportation over the railroads or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATEHOOD BILL.

Mr. TELLER. Mr. President, my colleague [Mr. PATTERSON] has been called home and will be gone for two or three weeks. He asks to be relieved from further service upon the conference committee on the statehood bill and that some one be appointed in his place.

The VICE-PRESIDENT. Without objection, the junior Senator from Colorado [Mr. PATTERSON] will be excused from further service as a conferee on the part of the Senate upon the statehood bill. The Chair appoints in his place the Senator from Nevada [Mr. NEWLANDS].

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 12863) to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 4, after the word "Refugio," to insert the words "Aransas, San Patricio;" so as to read:

That the counties of Bee, Calhoun, Dewitt, Goliad, Jackson, Live Oak, Refugio, Aransas, San Patricio, and Victoria shall constitute a division of the southern judicial district of Texas.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 8, after the word "civil," to strike out the words "or criminal;" and in line 9, after the word "pending," to insert "or any criminal offense committed;" to as to make the section read:

SEC. 3. That all civil process issued against persons resident in the above-named counties and cognizable before said courts shall be issued out of and made returnable to said courts at Victoria, and that all prosecutions against persons for offenses committed in any of said counties shall be tried in said courts at Victoria: *Provided*, That no civil cause begun and pending or any criminal offense committed prior to the passage of this act shall be in any way affected by it.

The amendment was agreed to.

The next amendment was, in section 4, page 2, line 15, after the word "business," to strike out the semicolon, insert a period, and to strike out the remainder of the bill, in the following words:

Provided, That suitable rooms and accommodations shall be furnished for holding of said courts, at said place, free of expense to the Government of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION AS TO SPONGES.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 4805) to prohibit aliens from taking or gathering sponges in the waters of the United States.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Foreign Relations with an amendment, on page 1, line 9, after the words "United States," to strike out the comma and the words "within one marine league of any of the coasts, bays, creeks, rivers, or harbors of the United States;" so as to read:

That it shall be unlawful for any person not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law, to gather, take, or attempt to gather or take, any sponges of any kind or species whatsoever, in any of the waters of the United States, or in any of the waters within the jurisdiction of the United States.

The amendment was agreed to.

Mr. TALIAFERRO. I propose certain amendments, which I send to the desk and ask the Secretary to read them.

The VICE-PRESIDENT. The amendments proposed by the Senator from Florida will be stated in their order.

The SECRETARY. On page 1, line 4, after the word "States," strike out all down to and including the words "by law," in line 6, and insert "either as principal, agent, or employee;" so as to read:

That it shall be unlawful for any person not a citizen of the United States, either as principal, agent, or employee, etc.

The amendment was agreed to.

The SECRETARY. On page 2, line 20, after the word "Labor," strike out all down to and including the words "United States," in line 24, and insert "shall have the power to authorize any officer or agent of the Department of Commerce and Labor, and, through the Secretary of the Treasury, any officer of the customs service or of the Revenue-Cutter Service, and, through the Secretary of the Navy, any officer of the Navy;" so as to read:

SEC. 4. That the Secretary of Commerce and Labor shall have the power to authorize any officer or agent of the Department of Commerce and Labor, and, through the Secretary of the Treasury, any officer of the customs service or of the Revenue-Cutter service, and, through the Secretary of the Navy, any officer of the Navy to search and seize any foreign vessel and arrest any person violating, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EUNICE TRIPLER.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 3820) for the relief of Eunice Tripler.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULLOM. Has that bill been reported by a committee, Mr. President?

The VICE-PRESIDENT. It has been reported by a committee.

Mr. CULLOM. By what committee, if I may ask?

The VICE-PRESIDENT. The bill was reported by the Committee on Claims. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "ten" and insert "three;" so as to make the bill read:

Be it enacted, etc., That there be paid to Eunice Tripler, widow of Surg. Charles S. Tripler, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000, for services by the said Charles S. Tripler in his lifetime in preparing, superintending, and directing the publication of a manual for the use of medical officers of the Army of the United States: *Provided*, That payment of the above sum shall be a bar to any further claim against the Government for the use of the book herein referred to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS TO LAND FOR CEMETERY PURPOSES.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 9165) authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical

Lutheran Little Missouri River congregation to certain lands for cemetery purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation, for cemetery purposes, to the following-described land, to wit: The southwest quarter of the southwest quarter of the southwest quarter of section 12, in township 15 north, of range 1 east, of the Black Hills meridian, in the county of Butte and State of South Dakota, containing an area of 10 acres of land, the patent to contain the provision that the land shall be used for cemetery purposes only; but the association shall pay \$1.25 per acre therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. IRION.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (H. R. 13154) for the relief of John T. Irion.

Mr. CLAPP. Mr. President, I do not wish now to interpose any objection to the passage of these bills, as it seems there is no reason why they should not be passed; but I must have the conference report in regard to the bill relative to the affairs of the Five Civilized Tribes in the Indian Territory considered this morning.

The VICE-PRESIDENT. The report to which the Senator from Minnesota refers is a privileged report.

Mr. CLAPP. I so understand, and I trust that we shall get through with the consideration of the bills which Senators are calling up from the Calendar in a very few moments.

Mr. FRAZIER. I will say to the Senator from Minnesota that the bill for which I ask consideration will occupy but a few moments.

Mr. CLAPP. Very well; I am not objecting to that bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill named by the Senator from Tennessee [Mr. FRAZIER]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$180 to enable the Postmaster-General to reimburse John T. Irion, late postmaster at Paris, Tenn., the amount paid by him under authority of the Post-Office Department for rent of post-office accommodations in the town of Paris, Tenn., during the year 1888.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. HAMITER.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 3283) for the relief of John H. Hamiter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John H. Hamiter, of Lafayette County, Ark., \$3,590.47, the proceeds of the sale of fifty-three bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOORES CREEK BATTLEFIELD MONUMENT, NORTH CAROLINA.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 5288) appropriating \$5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAVING FLORIDA AVENUE, IN THE DISTRICT OF COLUMBIA.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 3482) to provide for the paving of a portion of Florida avenue between P and Q streets NW., city of Washington, D. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, in line 7, before the word "dollars," to strike out "two hundred and fifty;" in line 9, after the word "appropriated," to insert "one half;" and in line 10, after the words "District of Columbia," to insert "and the other half out of any money

in the United States Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That that portion of Florida avenue between P and Q streets NW., city of Washington, contiguous to Twenty-second street and north of the south line of lot 24, block 3, of Kalorama Heights addition to the city of Washington, be paved; and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated, to provide the necessary funds for the costs and expenses of such paving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TUGALOO RIVER TOLL BRIDGE.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 16140) to authorize the maintaining and operating for toll an existing structure across Tugaloo River, known as "Knox's Bridge," at a point where said river is the boundary between the States of South Carolina and Georgia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LANDS TO OREGON FOR FISH HATCHERY.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill (S. 4487) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the State of Oregon all that portion of that certain island situated in Snake River and commonly known as "Morton Island," which, when the public surveys shall have been extended so as to include the same, shall be within the boundaries of the southwest quarter of the southwest quarter of section 14 and the south half of the south half of section 15, in township 18 south, of range 47 east of the Willamette meridian, in the State of Oregon, for the use of said State in maintaining and operating thereon a fish hatchery, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUILDING LINES IN THE DISTRICT OF COLUMBIA.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 59) authorizing the Commissioners of the District of Columbia to establish building lines.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioners of the District of Columbia to establish building lines on streets or parts of streets less than 90 feet wide, in the District of Columbia, upon the presentation to them of a plat of the street or part of street upon which such action is desired showing the lots and the names of the record owners thereof and accompanied by a petition of the owners of more than one-half of the real estate shown on the plat requesting that building lines be established, or when the Commissioners deem that the public interests require that such building lines be established; but no such building line shall be established on any part of street less than one block in length.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width."

ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 5222) to provide for the entry of agricultural lands within forest reserves.

Mr. LODGE. That is a pretty important bill, which will lead to a good deal of discussion. I think it had better not be taken up at this time. There is a conference report awaiting the consideration of the Senate.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

CAPT. SYDNEY LAYLAND.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 2996) to reimburse Capt. Sydney Layland for sums paid by him while master of the United States transport *Mobile* in July and August, 1898.

Mr. CLAPP. I shall not object to the consideration of the bill of the Senator from New Jersey; but, after that is disposed of, I shall have to object to the consideration of other bills. It is now past 1 o'clock.

Mr. KEAN. This is a very short bill, I will say to the Senator from Minnesota, and will take but a moment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Jersey for the present consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$119.11 to reimburse Capt. Sydney Layland for amounts paid by him as master of the Army transport *Mobile* to soldiers of the Sixteenth Pennsylvania Volunteers for services as firemen on the United States transport *Mobile* in July and August, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. DE L. LAFITTE.

Mr. FOSTER and Mr. McCREARY addressed the Chair.

Mr. CLAPP. I understand there are two Senators who are anxious to ask for the present consideration of bills in which they are interested. I will yield to those Senators, but if it can stop with that, I shall be very glad.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Louisiana?

Mr. CLAPP. I yield.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (S. 1221) for the relief of J. de L. Lafitte.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to cause to be investigated and examined the circumstances of an embezzlement of quartermaster funds on board the United States Army transport *Logan*, discovered while Jacques de L. Lafitte, captain, quartermaster, United States Army, was serving as transport quartermaster, amounting to \$2,923.44; and if upon such examination and investigation he shall be satisfied that said Lafitte exercised due diligence and care, under the circumstances existing there at the time, in view of his physical disability, and had no personal knowledge that such embezzlement or embezzlements were occurring, and exercised due diligence in ferreting out and disclosing same, then he is authorized and directed to release and discharge Lafitte from any further liability for the sum of \$2,923.44, and to refund and pay back to him whatever sums may have been withheld and deducted from his pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. BRONAUGH.

Mr. McCREARY. I ask unanimous consent for the immediate consideration of the bill (S. 1223) granting an increase of pension to Mary E. Bronaugh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Bronaugh, widow of William V. Bronaugh, late lieutenant-commander, United States Navy, and pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIVE CIVILIZED TRIBES.

Mr. CLAPP. I now call up the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The VICE-PRESIDENT. The report is before the Senate; and the question is on agreeing to it.

Mr. TILLMAN. Mr. President, I reluctantly ask the Senate to reject this report, and I will briefly give the reasons for my action.

The last time this matter was before the Senate there was a disagreement on the amendment to which I object, and it was, therefore, a matter of difference between the Senate and the House. It was alluded to in the debate, and objection was made to the Senate amendment to which the House had not agreed, but which was modified and a substitute presented.

In that discussion facts were brought out that I will read presently, but the point that concerns me most is that the Senator from Minnesota [Mr. CLAPP] in charge of the bill having been notified that Senators objected to the amendment, said: "Of course that will go out." I spoke to him privately on the matter, and he said, "That will go out. I will attend to that."

So I left the Chamber. I had intended to ask the Senate to recede from its amendment and to leave the House provision, and I have no doubt the Senate would have agreed to it, because the Senator from Wisconsin [Mr. SPOONER] was also interested in this matter and had indicated his desire to speak on it, and when the report was withdrawn the last thing said about it was that the Senator from Wisconsin had indicated his purpose to talk about it.

The facts are simply these, Mr. President: In the original bill as it came from the House there was a provision which I will read. It is in section 9:

SEC. 9. That upon dissolution of the several tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes all records and files of said tribes shall, under direction of the Secretary of the Interior, be removed and deposited with such Government officer or officers as he may designate, and the Secretary of the Interior is authorized to make such rules and regulations as he may deem necessary respecting the removal, deposit, preservation, and inspection of such records. If any officer or member of any of said tribes, or other person having any of such records or files in his possession, fail or refuse to deliver in the manner directed by the Secretary of the Interior, or shall willfully mutilate or destroy any part thereof, such person shall be deemed guilty of a misdemeanor.

Upon dissolution of said tribal governments, all causes then pending in any tribal court shall be transferred to the United States courts in Indian Territory by filing the papers therein with the clerk of the proper district, after which such causes shall proceed to final determination as if originally instituted in said United States court.

The Senate struck out this provision as it came from the House, and inserted the following:

The disbursements, in the sum of \$186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

You will see that the Senate amendment really makes no allusion whatever, or if at all only in the most meager way, to the part of the bill stricken out. It is entirely new matter.

The explanation of it is that this sum of \$186,000 appropriated by Congress to be paid to the Seminole Indians by Jenkins, as agent, and Brown, as administrator, was so badly managed that this money was—well, the truth of the charge is that the Indians were defrauded, or some of them at least; that Brown, the administrator, did not settle honestly with the Indians; that lots of the money stuck to his fingers—was misappropriated or stolen.

The Secretary of the Interior, having had these charges brought to his attention by his officials—his inspectors—employed a lawyer to prosecute Brown in the courts for malfeasance in office or to sue him for the sums which he had misapplied.

The Department of the Government charged with superintending and protecting the Indians, under our guardianship, as they are, has thought that there was sufficient justice in these contentions to employ a lawyer to institute suits. Those suits are now pending in the Federal court, and the Senate comes to the rescue of this man, who has been charged with dishonesty or maladministration or something—the Senate steps to the front, kicks the cases out of court, ratifies or validates the acts of this man who was administrator, and relieves him of all responsibility, and leaves him in possession of the money he has stolen; and the only consolation anyone has is the proviso:

Provided, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

This great Government has settled with these Indians by appropriating the money, and when the agent selected by it to make the settlement is sued by the Government Congress steps forward and enacts into law a provision that all the acts of this man shall be ratified and validated. I know nothing about this. I would not have taken two minutes' time or feel any interest in it but for the fact that I received a letter from a gentleman, who is reliable, informing me of these suits, saying that Brown was being sued by the Government itself, and that the Government had employed a lawyer to prosecute those suits to try to recover the money for these Indian children. This man writes to me about this matter, and it seems to be an outrage that the Government agent shall be permitted to steal the property of these Indian orphans and then the Government shall turn in and say, "Go scot-free; it is all right; we will not prosecute you or allow anybody else to, but we will allow these poor children to hire a lawyer, if they can get one, to take up the cases individually and sue Mr. Brown if the Indian chil-

dren see fit." That is the whole sum and substance of the situation.

If the Senator from Minnesota had not promised me that the provision would go out, if he had not promised the Senator from Wisconsin and the Senate itself that it would go out, I would not have called attention to it. But the conference report comes back, and, strange to say, the House, which knew nothing about this originally, took no cognizance of it in the original bill, has now become enlightened by some new influence, and insists that the Senate amendment, as originally agreed to here, shall stay in the bill, against the protest of the Senate conferees, I understand.

I do not know what the parliamentary status is. It was originally a Senate amendment. It was not agreed to the last time, without itself being amended by the House, but now the House accepts the Senate amendment, and it is no longer a matter of dispute between the two bodies. I would have moved—and the Senator from Iowa [Mr. ALLISON], whose parliamentary knowledge no one will dispute, told me it could be done—that the Senate recede from its amendment when the report was here last. It is simply a matter of a few Indian orphans whose property has been stolen by an agent of the Government. At least that is the charge. He may be entirely innocent; I do not know, and he may be able to prove himself innocent.

But as the courts have the matter in hand and the cases are being prosecuted by the Government to protect the Indians, it seems to me a very queer and extraordinary proceeding that Congress should step in to protect this rich fellow against these Indian orphans. That is the reason why I ask the Senate to reject the report and let the conferees understand that the Senate no longer wants this amendment to stay in. What may be the parliamentary status I can not tell. It is a little more knotty than I am able now to unravel. It would be easy enough if the House had not at the second conference—the last conference—agreed to the Senate amendment, because it would still be in dispute. But as the House has agreed to the Senate amendment, and the Senator who promised to take it out has not done it, the Senate must determine what it will do about it.

Mr. DUBOIS. Mr. President, the Senator from South Carolina [Mr. TILLMAN] says he does not know anything about this item, and he has made that perfectly plain. So I will not dispute that portion of his argument.

I am not going into a detailed explanation. I leave that to the Senator from Colorado [Mr. TELLER]. But I wish to say a word in behalf of the chairman of the conference committee. I was sitting here, and so was the other conferee, when the chairman said he would withdraw this item from the bill. I looked around the Chamber for the Senator from Kansas [Mr. LONG], who is fairly familiar with the subject, and not seeing him I supposed the chairman had some arrangement with him by which it should go out. At any rate, when we came into conference the chairman insisted on complying with the promise made in the Senate, and the conferees of the Senate were willing to and did stand by the chairman in asking that it be withdrawn. However, the House conferees would not consent to its being withdrawn. They were very insistent, and said we had no right to withdraw it. They insisted that it was a Senate amendment which they had agreed to.

Mr. TILLMAN. With an amendment.

Mr. DUBOIS. No.

Mr. TILLMAN. Yes; in that conference they had agreed to an amendment to the Senate amendment. I have got it right here. I can read it to you.

Mr. CLAPP. That is probably true, but where the House conferees held the situation was that it was in their power to recede from the disagreement of the House to the Senate amendment, while it was not in our power as a matter of parliamentary practice or law to withdraw a Senate amendment against their protest. When the House conferees acquiesced in the amendment of the Senate striking out the House provision, and they had a right to do that, it left only the Senate provision, which they could accept, and that ended it. That is the difficulty with the situation, and it would be the difficulty again if we went back.

Mr. DUBOIS. Mr. President, I want to make it perfectly plain that the chairman did all he could to carry out his promise; and in his contention the other conferees stood with him. The chairman—and I violate no confidence in saying it—went so far as to say to the House conferees, "We will put this item on the Indian appropriation bill, so that it can be fought out in the Senate and discussed there." He made every effort to comply with the promise that he made to the Senator from South Carolina on the floor. I think the item ought to stay in the bill. I think the Senate will understand that it should

stay in the bill when they are made familiar with the facts as the conferees and the Committee on Indian Affairs are familiar with them.

Mr. TILLMAN. I wish the Senator would give us the facts.

Mr. DUBOIS. The Senator from Colorado will give you the facts. As I stated, I simply wanted to—

Mr. TILLMAN. Is there anything the Senator has in the way of evidence, or is it simply the statement of some man?

Mr. DUBOIS. The Senator from Colorado will make a statement, and he is usually correct.

Mr. TELLER. I ask the Senator from South Carolina if he has any evidence?

Mr. TILLMAN. I have a letter from a gentleman.

Mr. TELLER. That is all he has.

Mr. TILLMAN. I have this fact, if the Senator will permit me: The Secretary of the Interior has hired a lawyer to prosecute this administrator who was empowered by act of Congress to pay this money; and it is a blow in the face of the Secretary to take from his hands an administration of this trust fund and say to him, "You had no right to employ this lawyer. We are going to settle this thing by act of Congress and take it out of your power to compel restitution in the courts." That is all I say. That is all the evidence I have.

Mr. TELLER. The Senator has not any evidence of that kind, because the facts are not as he states them.

Mr. TILLMAN. Well—

Mr. TELLER. He supposes so; but they are not facts.

Mr. TILLMAN. Very well; that is all I stated.

Mr. TELLER. There has been a lawyer employed.

Mr. TILLMAN. Who employed him?

Mr. TELLER. I suppose the Secretary of the Interior.

Mr. TILLMAN. Has a lawyer been employed or not?

Mr. TELLER. I do not know anything about that. I know that no suit is being brought in the name of the United States.

Mr. TILLMAN. No. It is in the name of these children.

Mr. TELLER. These are the facts in this case. The Committee on Indian Affairs had the matter before it and considered it. I will go back to the beginning.

When the civil war broke out a part of the Seminole Indians, who were then under treaty with the United States, went into the rebellion—joined the Confederacy. Another part of them joined the Union forces, and were organized into a regiment. I will not say there were quite enough for a full regiment on our side. They were in service in Kansas and in other sections of the country. During the war their stock was taken, their fences were burned up or torn down, their buildings were destroyed. When the war was over they made a claim against the Government, not as a tribe, but as individual sufferers at the hands of the Confederate forces, both Indian and white, and insisted that they were entitled to compensation from the Government for the losses they had sustained. They came here year after year presenting that claim. I believe several committees reported it favorably. At least I know there was a strong feeling that they ought to be paid, but Congress never enacted a law for the payment of the claim.

Later, a few years ago, they went to a gentleman who had held a commission in a Kansas regiment, and under whom these people had served during the war, and asked him to take up this case, which he did, with another party. They came here day after day until they finally got a bill through and got an appropriation for something a little less than a hundred and eighty-odd thousand dollars. In the meantime these Indians, wards of ours, had ceased to be wards of the Government. They had become citizens of the United States, and as such they were prosecuting their claim against the Government. There were something like 230 or 240 or 250 of them who had suffered, and they organized a committee to make a contract with these parties to prosecute the case. Those parties came here and prosecuted it, as I say, and got an appropriation. The Indians were citizens when they made the contract. They are citizens now—not wards of this Government.

I undertake to say there is not any proof that Mr. Brown or the officer of the Government, Mr. Jenkins, who went down there, ever stole or misappropriated any of that money.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I do.

Mr. TILLMAN. Does the Senator from Colorado think it is better, more fitting, more appropriate, that on ex parte statements the Senate shall settle this question by enacting a provision that the transactions of Brown with the Indians shall be validated, or that the court, right on the ground, where the witnesses are accessible, shall determine it after a hearing? The Secretary of the Interior has thought it of sufficient importance